Linda A. King, Esq. SBN. 087138
LAW OFFICES OF LINDA A. KING & ASSOCIATES
2044 First Avenue, Suite 200
San Diego, California 92101-2079
Telephone: (619) 233-8034
Fax: (619) 233-4516

Attorney for Material Witness

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA;	)	CRIMINAL CASE NO: 07CR3116LAB
	)	MAGISTRATE CASE NO.: 07MJ2461
Plaintiff,	)	
	)	DECLARATION OF LINDA A. KING IN SUPPORT OF MATERIAL WITNESS(ES) MOTION FOR A VIDEOTAPE DEPOSITION
vs.	)	
BLANCA ESTRELLA-MORAN	)	
	)	DATE: November 29, 2007
Defendant.	)	TIME: 9:30 am
	)	HON: Barry Willliam McCurine

I the undersigned, declare as follows:

1. My name is Linda A. King, I am the attorney of record for Jose Castro de la Cruz, the Material Witness in the above-captioned matter. I am an attorney duly licensed to practice law in the State of California and am admitted to practice before the United States District Court for Southern District of California.

2. On October 16, 2007, I was appointed to represent the Material Witness in the above-captioned matter. As a Material Witness attorney, one of my primary responsibilities is to help arrange the release of the Material Witness from the custody of the INS as soon as possible. To that end, I immediately conducted an interview with Material Witness to explain why he/she is being held and under what conditions he/she would be released. I informed the Material Witness that the most expedient way to be released is by having a personal surety post a court approved

appearance bond. I explained that personal surety would have to agree to sign a $5,000.00 appearance bond, post an immigration bond, and agree to allow the Material Witness to stay with the surety pending final disposition of the case. Unfortunately, the witness, does not know anyone who lives in the State of California who is willing and able to post bonds for the mat wit.

3. Witness Jose Castro de la Cruz has been in custody since October 15, 2007 with little or no possibility of meeting bond requirements as he/she knows no possible person who can serve as surety for him. To continue to hold him in custody creates a significant hardship which can be addressed by the scheduling of a video tape deposition

4. The Material Witness understands that his presence may be needed at time of trial and he is willing to return to San Diego from Mexico if and when he is needed. However, to hold him in custody for what appears to be a prolonged period is creating an inhumane hardship on him and his family.

5. I am not aware of any reason in this case why the Material Witness testimony can not be adequately secured by deposition. Likewise, I have not been informed of any such reasons by either the government or defense attorney.

6. The Material Witness is more than willing to discuss everything he knows about this case with both defense and government investigators. The fact is, however, there are only a few facts relevant to this case which the Material Witness is competent to testify: i.e. (a) his citizenship, (b) who might have transported him, and (c) whether the witness agreed to pay anyone. According to preliminary interviews, all of the facts relevant to this case in the Material Witness' knowledge took place over a very short period of time.

7. I explained the general procedures for videotape to the witness and explained that if he were released after the deposition, he may have to return to testify at trial if subpoenaed by the

government or defendant. The witness indicated his is willing to return if arrangement for their legal re-entry could be made and travel expenses provided.

8. The material witness' petition the court to take his deposition and release him, as he speaks only Spanish and his is the sole support of his extended family in Mexico including aged parent and children. His family is forced to suffer during his detention and he would like to return home.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in San Diego, California on November 19, 2007.

S/Linda A. King
Linda A. King
Attorney for Material Witness